

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1458 – SB 2278

February 8, 2016

SUMMARY OF ORIGINAL BILL: Creates a Class C felony for reckless endangerment when discharging a firearm from within a motor vehicle.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$349,600/Incarceration*

SUMMARY OF AMENDMENT (011917): Deletes and rewrites the bill such that the only substantive change is the removal of language that specified any person endangered by the discharging of a firearm from within a motor vehicle constitutes a separate offense.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under Tenn. Code Ann. § 39-13-103, discharging a firearm from within a motor vehicle would be classified as reckless endangerment committed with a deadly weapon, a Class E felony.
- The bill would enhance this offense to a Class C felony.
- Statistics from the Department of Correction (DOC) show a 10-year average of 139.8 admissions each year for reckless endangerment committed with a deadly weapon.
- It is assumed that 10 percent (13.98 admissions) of these admissions were committed by discharging a firearm from within a motor vehicle.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for two additional admissions ($13.98 \times .1178$) for a total of 16 admissions ($14 + 2$).
- According to the DOC, 43.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 43.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have

committed the subsequent offense at the same felony level as under current law (16 offenders x .437 = 7 offenders).

- Over the last 10 years, the average time served for reckless endangerment committed with a deadly weapon has been 1.65 years. The average time served for a Class C felony is 3.22 years. The bill will result in each offender serving an additional 1.57 years (3.22 – 1.65).
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders [16 offenders – 7 (recidivism discount)] serving an additional 1.57 years (573.44 days) for a total of \$38,839.09 (\$67.73 x 573.44 days). The cost for nine offenders is \$349,551.81 (\$38,839.09 x 9).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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